

**Exide Letter to the State of California**  
**Rep. Lucille Roybal-Allard**  
**(Adam Sachs)**  
**December 8, 2015**  
**IN DROPBOX: LRA Documents/DC/Exide GAO Letter 2.doc**

December XX, 2015

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Mr. Dodaro:

I am/we are writing to respectfully request that the U.S. Government Accountability Office (GAO) examine the Environmental Protection Agency's (EPA) practice of delegating its hazardous waste permitting authorities to states. Serious health concerns regarding a lead-acid battery recycling facility in my district have arisen as a result of this facility being under this federal-state delegated authority. The fact that potentially 10,000 or more families are at risk of lead poisoning has prompted me to request a thorough examination of this policy.

As authorized in Section 3006 of the Resource Conservation and Recovery Act (RCRA), individual states may apply for delegated RCRA authority to implement and enforce their own hazardous waste permitting and enforcement requirements in lieu of the federal requirements. To date, the EPA reports that it has delegated at least some portion of its RCRA base program authority to 48 of the 50 states.

My home-state of California received delegated permitting and enforcement RCRA authorities from the EPA in 1992, while the EPA retains inspection and enforcement authorities on a facility-

by-facility basis. Under this regulatory arrangement, the lead-acid battery recycling facility in Vernon, California continued to operate for decades, despite multiple violations issued by California's hazardous waste agencies and the U.S. EPA. Such violations include fluid gushing from a wastewater treatment system, battery acid flowing into a manhole, inadequate battery storage areas, and hazardous levels of lead on a street outside the plant and in the soil of the employee parking lot. The harmful environmental imprint generated by the decades-long operations of this facility has negatively impacted the health and safety of the children and families who call the communities of Boyle Heights, Maywood, Huntington Park, Commerce and East Los Angeles home, and they continue to suffer from the adverse health risks of this facility.

Fortunately, the impacted communities finally prevailed and the facility closed in March of this year after being forced to cease operations. Due to the insufficient action of the state agencies and the EPA, the closure of this facility did not come soon enough. Preliminary results of tests conducted by the California Department of Toxic Substances Control estimate that "the extent of lead contamination from Exide emissions reached between 1.3 miles to 1.7 miles from the Vernon facility." The contaminated area is estimated to include 5,000 to 10,000 residential homes. One report of a backyard where a toddler plays found lead levels at 5,000 parts per million (ppm), which is more than 60 times higher than the 80 ppm level that would trigger a cleanup.

The state currently has insufficient resources to further identify and clean up all of the contaminated homes. This means thousands of residents, including children and seniors, will

continue to be exposed to the hazards of lead poisoning. This situation raises a red flag about the EPA's practice of federal-state delegated RCRA authority.

Therefore, I respectfully request that the GAO investigate the impact of the EPA's practice of delegating all or a portion of its RCRA authority to implement and enforce hazardous waste permitting and enforcement requirements and to make recommendations on how the EPA can help ensure similar environmental tragedies are not repeated in my district or anywhere across the United States. I thank you for your attention to this matter and look forward to your response.

